

1 ANTHONY J. DELUCA , ESQ.
Nevada Bar No.: 006952
2 DELUCA & ASSOCIATES
5830 West Flamingo Road, Suite 233
3 Las Vegas, Nevada 89103
(702) 873-5386
4 Fax (702) 873-5903
anthony@deluca-associates.com
5 Attorney for Debtor

6
7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF NEVADA**
9

10 In re:

11 Daniel Sadek

12 Debtor(s)

Case No.: BK-09-29682-BAM
Chapter 13

Date: OST pending
Time: OST pending

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15 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

16 COMES NOW, ANTHONY J. DELUCA, ESQ. And moves this Honorable Court for
17 an order allowing withdrawal as local attorney of record for Debtor. This motion is made and
18 based upon the pleadings and papers on file herein, and upon the Points and Authorities and
19 affidavit of ANTHONY J. DELUCA, ESQ., attached hereto.
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21 **I. STATEMENT OF FACTS**
22

23 Debtor filed an emergency Chapter 13 petition on October 19, 2009. The Debtor
24 was scheduled for an appointment to complete his paperwork, however he walked out of his
25 appointment without ever completing his schedules. Debtor informed DeLuca & Associates of
26 his intention to retain different counsel. Subsequent attempts to contact the debtor have proved
27 fruitless.

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POINTS AND AUTHORITIES

E.D.C.R. 7.40(2)(I) states as follows:

- (2) When no attorney has been retained to replace the attorney withdrawing, by order of the court, granted upon written motion therefore, and
- (i) If the application is made by the attorney, he must include in an affidavit, the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event application for withdrawal is granted, and he must serve a copy of the application upon the client and all other parties to the action or their attorneys,

...

WHEREFORE, Anthony J. DeLuca and DeLuca & Associates hereby request this Honorable Court grant this Motion for Withdrawal as Counsel in the instant case.

Dated on this 17 day of December , 2009.

/s/ Anthony J. DeLuca
ANTHONY J. DELUCA, ESQ.
State Bar No. 6952
5830 West Flamingo Road, Suite 233
Las Vegas, Nevada 89103
(702) 873-5386

Exhibit “A”

AFFIDAVIT OF BRADLEY G. SIMS, ESQ., IN SUPPORT
OF MOTION TO WITHDRAW AS ATTORNEY OF RECORD

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

BRADLEY G. SIMS, ESQ., being first duly sworn, deposes and says:

1. That I am an attorney licensed to practice law in the State of Nevada, and that I have personal knowledge of and am competent to testify concerning the facts herein.
2. That since being retained as Attorney of Record, the debtor has represented that he has retained other counsel and has refused to contact DeLuca & Associates to complete his bankruptcy schedules.
- 3.. That, therefore, your Affiant believes that it is necessary to withdraw as counsel for the Plaintiff.
5. The pursuant to E.D.C.R. 7.40, a copy of this application has been sent to Daniel Sadek last known address, which is: 2857 Paradise Rd. Unit 361, Las Vegas, NV 89109.

FURTHER AFFIANT SAYETH NAUGHT

/s/ Bradley G. Sims, Esq.
BRADLEY G. SIMS, ESQ.

SUBSCRIBED and SWORN TO before

me this 17th day of December 2008



NOTARY PUBLIC

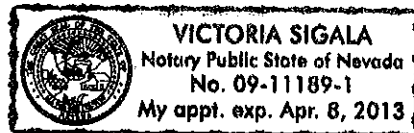


Exhibit “B”

1 ANTHONY J. DELUCA, ESQ.
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 3 Las Vegas, Nevada 89103
 (702) 873-5386
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9 **ATTORNEY INFORMATION SHEET**

10 Date: OST pending
 11 Time: OST pending

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 14 As required by the Court, I have contacted the parties listed below regarding the attached
 15 proposed Order Shortening Time. They agree or disagree to the time being shortened, as
 16 indicated below.

| 19 Name | Date Contacted | Agree | Disagree | Not available |
|---------------------|----------------|-------|----------|---------------|
| 20 Kathleen Leavitt | 12/17/2009 | X | | |

21 DATED this 17th day of December, 2009.

23 Submitted by:
 /s/ Anthony J. DeLuca, Esq.

24 Anthony J. DeLuca, Esq.
 25 DeLuca & Associates
 5830 West Flamingo Road, Suite 233
 26 Las Vegas, NV 89103